

# Senate Amendment 3162

PAG LIN

1 1 Amend House File 593, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 6, by inserting after line 27 the  
1 4 following:  
1 5 \_\_\_\_\_. Section 53.2, unnumbered paragraph 4,  
1 6 Code 2003, is amended to read as follows:  
1 7 Each application shall contain the name and  
1 8 signature of the registered voter, the address at  
1 9 which the voter is registered to vote, and the name or  
1 10 date of the election for which the absentee ballot is  
1 11 requested, and such other information as may be  
1 12 necessary to determine the correct absentee ballot for  
1 13 the registered voter. If insufficient information has  
1 14 been provided, the commissioner shall, by the best  
1 15 means available, obtain the additional necessary  
1 16 information. The form prescribed by the state  
1 17 commissioner shall include a space for the applicant  
1 18 to indicate that the applicant is elderly and  
1 19 homebound or disabled and homebound. If the applicant  
1 20 makes such indication on an application, the applicant  
1 21 shall be treated as if the applicant were a patient of  
1 22 a hospital or resident or tenant of a facility under  
1 23 section 53.22.  
1 24 Sec. \_\_\_\_\_. Section 53.8, subsection 2, Code 2003,  
1 25 is amended to read as follows:  
1 26 2. If an application is received so late that it  
1 27 is unlikely that the absentee ballot can be returned  
1 28 in time to be counted on election day, the  
1 29 commissioner shall enclose with the absentee ballot a  
1 30 statement to that effect. The statement shall also  
1 31 point out that it is possible for the applicant or the  
1 32 applicant's designee, if the absentee ballot is voted  
1 33 by a voter described in section 53.22, subsection 5,  
1 34 to personally deliver the completed absentee ballot to  
1 35 the office of the commissioner at any time before the  
1 36 closing of the polls on election day.  
1 37 Sec. \_\_\_\_\_. Section 53.8, subsection 3, Code 2003,  
1 38 is amended to read as follows:  
1 39 3. When an application for an absentee ballot is  
1 40 received by the commissioner of any county from a  
1 41 registered voter who is a patient in a hospital in  
1 42 that county or a resident or tenant of any facility in  
1 43 that county shown to be a ~~health care~~ facility by the  
1 44 list of licenses provided the commissioner under  
1 45 ~~section sections 135C.29 and 231.25~~, the absentee  
1 46 ballot shall be delivered to the voter and returned to  
1 47 the commissioner in the manner prescribed by section  
1 48 53.22. However, if the application is received more  
1 49 than ten calendar days before the election and the  
1 50 commissioner has not elected to mail absentee ballots  
2 1 to the applicant as provided under section 53.22,  
2 2 subsection 3, the commissioner shall mail to the  
2 3 applicant within twenty-four hours a letter in  
2 4 substantially the following form:  
2 5 Your application for an absentee ballot for the  
2 6 election to be held on ..... has been received. This  
2 7 ballot will be personally delivered to you by a  
2 8 bipartisan team sometime during the ten days preceding  
2 9 the election. If you will not be at the address from  
2 10 which your application was sent during any or all of  
2 11 the ten-day period immediately preceding the election,  
2 12 contact this office and arrangements will be made to  
2 13 have your absentee ballot delivered at a time when you  
2 14 will be present at that address.  
2 15 Nothing in this subsection nor in section 53.22  
2 16 shall be construed to prohibit a registered voter who  
2 17 is a hospital patient or a resident or tenant of a  
2 18 ~~health care~~ facility, or who anticipates entering a  
2 19 hospital or ~~health care~~ facility before the date of a  
2 20 forthcoming election, from casting an absentee ballot  
2 21 in the manner prescribed by section 53.11.  
2 22 Sec. \_\_\_\_\_. Section 53.17, subsection 1, Code 2003,  
2 23 is amended to read as follows:  
2 24 1. The sealed carrier envelope may be delivered by

2 25 the registered voter, or the voter's designee if the  
2 26 absentee ballot is voted by a voter described in  
2 27 section 53.22, subsection 5, to the commissioner's  
2 28 office no later than the time the polls are closed on  
2 29 election day.  
2 30 Sec. \_\_\_\_\_. Section 53.22, Code 2003, is amended to  
2 31 read as follows:  
2 32 53.22 BALLOTING BY CONFINED PERSONS.  
2 33 1. a. A registered voter who has applied for an  
2 34 absentee ballot, in a manner other than that  
2 35 prescribed by section 53.11, and who is a resident,  
2 36 ~~tenant,~~ or patient in a ~~health-care~~ facility or  
2 37 hospital located in the county to which the  
2 38 application has been submitted shall be delivered the  
2 39 appropriate absentee ballot by two special precinct  
2 40 election officers, one of whom shall be a member of  
2 41 each of the political parties referred to in section  
2 42 49.13, who shall be appointed by the commissioner from  
2 43 the election board panel for the special precinct  
2 44 established by section 53.20. The special precinct  
2 45 election officers shall be sworn in the manner  
2 46 provided by section 49.75 for election board members,  
2 47 shall receive compensation as provided in section  
2 48 49.20 and shall perform their duties during the ten  
2 49 calendar days preceding the election and on election  
2 50 day if all ballots requested under section 53.8,  
3 1 subsection 3 have not previously been delivered and  
3 2 returned.  
3 3 If materials are prepared for the two special  
3 4 precinct election officials, a list shall be made of  
3 5 all voters to whom ballots are to be delivered. The  
3 6 list shall be sent with the officials who deliver the  
3 7 ballots and shall include spaces to indicate whether  
3 8 the person was present at the hospital or ~~health-care~~  
3 9 facility when the officials arrived, whether the  
3 10 person requested assistance from the officials,  
3 11 whether the person was assisted by another person of  
3 12 the voter's choice, the time that the ballot was  
3 13 returned to the officials, and any other notes the  
3 14 officials deem necessary.  
3 15 The officials shall also be issued a supply of  
3 16 extra ballots to replace spoiled ballots. Receipts  
3 17 shall be issued in substantially the same form as  
3 18 receipts issued to precinct election officials  
3 19 pursuant to section 49.65. All ballots shall be  
3 20 accounted for and shall be returned to the  
3 21 commissioner. Separate envelopes shall be provided  
3 22 for the return of spoiled ballots and unused ballots.  
3 23 b. If an applicant under this subsection notifies  
3 24 the commissioner that the applicant will not be  
3 25 available at the ~~health-care~~ facility or hospital  
3 26 address at any time during the ten-day period  
3 27 immediately prior to the election, but will be  
3 28 available there at some earlier time, the commissioner  
3 29 shall direct the two special precinct election  
3 30 officers to deliver the applicant's ballot at an  
3 31 appropriate time prior to the ten-day period  
3 32 immediately preceding the election. If a person who  
3 33 so requested an absentee ballot has been dismissed  
3 34 from the ~~health-care~~ facility or hospital, the special  
3 35 precinct election officers may take the ballot to the  
3 36 voter if the voter is currently residing in the  
3 37 county.  
3 38 c. The special precinct election officers shall  
3 39 travel together in the same vehicle and both shall be  
3 40 present when an applicant casts an absentee ballot.  
3 41 If either or both of the special precinct election  
3 42 officers fail to appear at the time the duties set  
3 43 forth in this section are to be performed, the  
3 44 commissioner shall at once appoint some other person,  
3 45 giving preference to persons designated by the  
3 46 respective county chairpersons of the political  
3 47 parties described in section 49.13, to carry out the  
3 48 requirements of this section. The persons authorized  
3 49 by this subsection to deliver an absentee ballot to an  
3 50 applicant, if requested, may assist the applicant in  
4 1 filling out the ballot as permitted by section 49.90.  
4 2 After the voter has securely sealed the marked ballot  
4 3 in the envelope provided and has subscribed to the  
4 4 oath, the voted absentee ballots shall be deposited in  
4 5 a sealed container which shall be returned to the

4 6 commissioner on the same day the ballots are voted.  
4 7 On election day the officers shall return the sealed  
4 8 container by the time the polls are closed.  
4 9 2. Any registered voter who becomes a patient or  
4 10 resident or tenant of a hospital or ~~health care~~  
4 11 facility in the county where the voter is registered  
4 12 to vote within three days prior to the date of any  
4 13 election or on election day may request an absentee  
4 14 ballot during that period or on election day. As an  
4 15 alternative to the application procedure prescribed by  
4 16 section 53.2, the registered voter may make the  
4 17 request directly to the officers who are delivering  
4 18 and returning absentee ballots under this section.  
4 19 Alternatively, the request may be made by telephone to  
4 20 the office of the commissioner not later than four  
4 21 hours before the close of the polls. If the requester  
4 22 is found to be a registered voter of that county,  
4 23 these officers shall deliver the appropriate absentee  
4 24 ballot to the registered voter in the manner  
4 25 prescribed by this section.  
4 26 3. For any election except a primary or general  
4 27 election or a special election to fill a vacancy under  
4 28 section 69.14, the commissioner may, as an alternative  
4 29 to subsection 1, mail an absentee ballot to an  
4 30 applicant under this section to be voted and returned  
4 31 to the commissioner in accordance with this chapter.  
4 32 This subsection only applies to applications for  
4 33 absentee ballots from a single ~~health care~~ facility or  
4 34 hospital if there are no more than two applications  
4 35 from that facility or hospital.  
4 36 4. The commissioner shall mail an absentee ballot  
4 37 to a registered voter who has applied for an absentee  
4 38 ballot and who is a patient or resident or tenant of a  
4 39 hospital or ~~health care~~ facility outside the county in  
4 40 which the voter is registered to vote.  
4 41 5. If the registered voter becomes a patient or  
4 42 resident or tenant of a hospital or ~~health care~~  
4 43 facility outside the county where the voter is  
4 44 registered to vote within three days before the date  
4 45 of any election or on election day, the voter may  
4 46 designate a person to deliver and return the absentee  
4 47 ballot. The designee may be any person the voter  
4 48 chooses except that no candidate for any office to be  
4 49 voted upon for the election for which the ballot is  
4 50 requested may deliver a ballot under this subsection.  
5 1 The request for an absentee ballot may be made by  
5 2 telephone to the office of the commissioner not later  
5 3 than four hours before the close of the polls. If the  
5 4 requester is found to be a registered voter of that  
5 5 county, the ballot shall be delivered by mail or by  
5 6 the person designated by the voter. An application  
5 7 form shall be included with the absentee ballot and  
5 8 shall be signed by the voter and returned with the  
5 9 ballot.  
5 10 Absentee ballots voted under this subsection shall  
5 11 be delivered to the commissioner no later than the  
5 12 time the polls are closed on election day. If the  
5 13 ballot is returned by mail the carrier envelope must  
5 14 be received by the time the polls close, or clearly  
5 15 postmarked by an officially authorized postal service  
5 16 not later than the day before the election and  
5 17 received by the commissioner no later than the time  
5 18 established for the canvass by the board of  
5 19 supervisors for that election.  
5 20 6. For purposes of this section, "facility" means  
5 21 a health care facility as defined in section 135C.1,  
5 22 subsection 6, and an assisted living program certified  
5 23 pursuant to chapter 231C.  
5 24 Sec. \_\_\_\_\_. Section 53.23, subsection 3, unnumbered  
5 25 paragraph 1, Code 2003, is amended to read as follows:  
5 26 The commissioner shall set the convening time for  
5 27 the board, allowing a reasonable amount of time to  
5 28 complete counting all absentee ballots by ten p.m. on  
5 29 election day. The commissioner may direct the board  
5 30 to meet on the ~~day~~ Wednesday before the election  
5 31 solely for the purpose of reviewing the absentee  
5 32 voters' affidavits appearing on the sealed ballot  
5 33 envelopes. If in the commissioner's judgment this  
5 34 procedure is necessary due to the number of absentee  
5 35 ballots received, the members of the board may open  
5 36 the sealed ballot envelopes and remove the secrecy

5 37 envelope containing the ballot, but under no  
5 38 circumstances shall a secrecy envelope be opened  
5 39 before the board convenes on election day. If the  
5 40 ballot envelopes are opened before election day, two  
5 41 observers, one appointed by each of the two political  
5 42 parties referred to in section 49.13, subsection 2,  
5 43 shall witness the proceedings.  
5 44 Sec. \_\_\_\_\_. NEW SECTION. 231.25 LICENSE LIST TO  
5 45 COUNTY COMMISSIONER OF ELECTIONS.  
5 46 To facilitate the implementation of section 53.8,  
5 47 subsection 3, and section 53.22, the director shall  
5 48 provide to each county commissioner of elections at  
5 49 least annually a list of each licensed assisted living  
5 50 program in that county. The list shall include the  
6 1 street address or location, and the mailing address if  
6 2 it is other than the street address or location, of  
6 3 each program.>  
6 4 #2. Title page, line 13, by inserting after the  
6 5 word the following: 6 6 absentee voting by certain confined persons, relating  
6 7 to delivery of certain completed absentee ballots to  
6 8 the county commissioner of elections,>.  
6 9 #3. By renumbering, relettering, or redesignating  
6 10 and correcting internal references as necessary.  
6 11  
6 12  
6 13  
6 14 COMMITTEE ON STATE GOVERNMENT  
6 15 MARK ZIEMAN, CHAIRPERSON  
6 16 HF 593.302 80  
6 17 sc/cf